

ARKANSAS SUPREME COURT

No. CR 06-1364

GREGORY M. SMALL
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered May 17, 2007

PRO SE MOTION FOR EXTENSION
OF TIME TO FILE REPLY BRIEF
[CIRCUIT COURT OF POLK
COUNTY, CR 2003-43, HON. JERRY
WAYNE LOONEY, JUDGE]

MOTION GRANTED.

PER CURIAM

A jury found appellant Gregory M. Small guilty of rape, attempted rape, and sexual assault in the second degree, and imposed an aggregate sentence of 492 months' imprisonment in the Arkansas Department of Correction. The Arkansas Court of Appeals affirmed the judgment. *Small v. State*, CACR 04-1390 (Ark. App. June 22, 2005). Appellant timely filed in the trial court a pro se petition for postconviction relief under Ark. R. Crim. P. 37.1, which was denied. This court granted appellant's request for belated appeal of that decision. *Small v. State*, CR 06-1364 (Ark. Jan. 11, 2007) (per curiam).

The record was lodged, and appellant, proceeding pro se, and the State have each filed briefs. Appellant's reply brief was to have been submitted by April 17, 2007. Prior to the due date, appellant filed the pro se motion for extension of time to file the reply brief that is now before us. Since filing the motion, appellant has tendered the reply brief.

Appellant indicated in his motion that the delay resulted from conditions of his incarceration,

and tendered the brief within two days of the date due. The motion is granted. Our clerk is directed to file the tendered brief as of the date of this opinion.

Motion granted.